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NEW DELHI, SATURDAY, DECEMBER 18, 1965 (AGRAHAYANA 27, 1887)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह असंगत संकलन के रूप में रखा जा सके
Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग III—खण्ड 3

PART III—SECTION 3

सबु प्रशासनों से संबंधित अधिसूचनाएं

Notifications relating to Minor Administrations

GOVERNMENT OF GOA, DAMAN & DIU

Finance Department

Panjim, the 7th December 1965

No. FD/F.III/2-35/part/1902/65—In exercise of the powers conferred by Sub-section (1) of Section 42 of the Goa, Daman and Diu Excise Duty Act, 1964, the Government hereby exempt imitation wine produced out of local country liquor and other ingredients from so much of excise duty as in excess of Rs. 2 per proof litre.

This Notification shall come into force with immediate effect.

No. F.III/2-35/part/2323/65—In exercise of the powers conferred by Sub-section (1) of Section 42 of the Goa, Daman and Diu Excise Duty Act, 1964, the Government hereby exempts the tapping of the coconut trees for drawing toddy from the payment of so much of tree-tax leviable thereon as in excess of Rupees five, for the months of November 1965 and December 1965.

No. FD/F.III/2-35/2501/part/65—In exercise of the powers conferred by Section 42 of the Goa, Daman and Diu Excise Duty Act, 1964, the Government is hereby pleased to grant exemption for November 1965 and December 1965 from the payment of so much of excise duty that may be leviable as in excess of 75% on country liquor manufactured from toddy.

By order and in the name of the
Administrator of Goa, Daman and Diu
V. S. SRINIVASAGOPALAN
Dy. Secretary (Finance)

ADMINISTRATION OF DADRA AND NAGAR HAVELI ORDER

Silvassa, the 8th December 1965

No. ADM/SUP/SGR/1293(65)—In exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1965 (10 of 1955) read with the Order of the Government of India in the Ministry of Food and Agriculture (Department of Food) published under GSR 1182, dated 17th August 1965, in the Gazette of India, Part II—Section 3, Sub-section (I), dated 17th August 1965, the Administrator, Dadra and Nagar Haveli, hereby makes the following Order, namely :—

1. *Short title extent and commencement.*—(1) This order may be called the Dadra and Nagar Haveli Sugar and Khandsari Dealers Licensing Order, 1965.

(2) It extends to the Union Territory of Dadra and Nagar Haveli (hereinafter referred to as territory).

(3) It shall come into force immediately.

2. *Definitions.*—In this Order, unless the context otherwise requires :—

(a) “dealer” means a person engaged in the business of purchase, sale or storage of sugar khandsari or both in quantities exceeding—

(i) in the case of sugar, one quintal thereof, and

(ii) in the case of khandsari, ten quintals thereof, at any one time, but does not include, an industrial undertaking which is engaged in the manufacture or production of sugar and khandsari and which is registered or licensed under the Industries (Development and Regulation) Act, 1961;

(b) “form” means a form set forth in the Schedule to this Order;

(c) “khandsari” means sugar in the manufacture of which neither a vacuum Pan nor a vacuum evaporator is employed;

(d) “Licensing authority” means the Purchase and Supply Officer or any other officer appointed by the Collector to exercise the powers and perform the duties of the licensing authority under this Order;

(e) “Collector” means the Collector of Dadra & Nagar Haveli;

(f) “Purchase & Supply Officer” means the Purchase and Supply Officer of Dadra & Nagar Haveli;

(g) “sugar” means any form of sugar, containing more than 10 per cent of sucrose, but does not include khandsari.

3. *Licensing of Dealer.*—(1) No person shall carry on business :—

(a) as a dealer in sugar except under and in accordance with the terms and conditions of a sugar licence, and;

(b) as a dealer in khandsari except under and in accordance with the terms and conditions of a khandsari licence,

issued by the licensing authority.

(2) Separate licence shall be necessary for each place of business.

(3) For the purpose of this Order, any person who stores sugar or khandsari or both in quantities exceeding—

(i) in the case of sugar one quintal thereof, and

(ii) in the case of khandsari, ten quintals thereof, at any one time, shall, unless contrary is proved, be deemed to be a dealer.

4. *Issue of licence.*—(1) Every application for the issue or reissue of a licence or renewal thereof shall be made to the licensing authority in Form 'A'.

(2) The licensing authority may after giving the applicant an opportunity of stating his case in writing and for reasons to be recorded in writing, refuse to grant or renew a licence.

5. *Period of licence.*—(1) Every licence issued under this Order shall be valid from the date of issue to the 31st December of the calendar year in which it is issued, and may thereafter be renewed for a further period of one year at a time.

(2) Every licence issued, re-issued or renewed under this Order shall be in Form 'B' and shall be subject to the conditions specified therein.

(3) The holder of a licence may obtain from the licensing authority a duplicate copy of the licence issued to him but which is lost, destroyed or defaced.

6. *Fees for licence.*—The fees specified below shall be chargeable in respect of each licence, namely :—

For issue of licence	..	Rs. 5
For renewal of licence	..	Rs. 2
For issue of a duplicate licence	..	Rs. 10

Provided that a dealer holding a valid licence for sugar immediately before the coming into force of this order shall be entitled to obtain a licence for a sugar or for khandsari under this order on payment of the fees prescribed above, within a period of fifteen days from the date of the coming into force of this Order.

7. *Contravention of conditions of licence.*—No holder of a licence issued under this Order or his agent or servant or any person acting on his behalf shall contravene any of the terms or conditions of the licence and if any such holder or his agent or servant or any person acting on his behalf contravenes any of the said terms or conditions, than without prejudice to any other action that may be taken against him, his licence may be cancelled or suspended by order in writing of the licensing authority :

Provided that no order shall be made under this clause unless the licensee has been given reasonable opportunity of stating his case against the proposed cancellation or suspension.

7A. Notwithstanding anything contained in clause 7, where a licensee has been convicted by a court of law in respect of contravention of any order made under Section 3 of the Essential Commodities Act, 1955 (10 of 1955), relating to Sugar and Khandsari or any foodstuff the licensing authority may, by order in writing, cancel his licence :

Provided that where such conviction is set aside in any appeal or revision, the Licensing Authority may, on application in Form 'A' by the person whose licence has been cancelled, re-issue the licence to such person and no fee shall be chargeable in respect of re-issue of such licence.

8. *Appeal.*—(1) Any person aggrieved by any order of the licensing authority refusing to issue, re-issue or renew a licence or cancelling or suspending a licence under the provisions of this Order may appeal to the Collector, within 30 days of the date of receipt by him of such order.

Provided that the Collector may admit an appeal after the expiry of the said period of 30 days, if the applicant satisfies him that he had sufficient cause for not preferring the appeal within such period.

(2) No order shall be made under this clause unless the aggrieved person has been given reasonable opportunity of stating his case.

(3) Pending disposal of an appeal, the Collector, may direct that the order refusing to renew a licence or the order cancelling or suspending a licence shall not take effect until the appeal is disposed of.

8A. *Revision.*—The Administrator may call for and examine the record or any proceedings of the licensing authority or the Collector for the purpose of satisfying himself as to the legality or propriety of any order passed in such proceeding or as to the regularity of such proceedings and if it shall appear to the Administrator that such order or proceeding should be modified, annulled or reversed, he may pass such order thereon as it seems fit :

Provided that no order shall be made under this clause unless the person who is likely to be affected thereby has been given reasonable opportunity of stating his case.

9. *Powers of entry, search, seizure etc.*—(1) The licensing authority or any other Officer authorised by the Collector in this behalf may with such assistance, if any, as he thinks fit :

(a) require the owner, occupier of any person in charge of any place, premises, vehicle or vessel in which he has reason to believe that any contravention of the provisions of this Order or of the conditions of any licence issued, thereunder, has been, is being, or is about to be, committed, to produce any books, accounts or other documents showing transactions relating to such contravention;

(b) enter, inspect or break-open and search any place or premises, vehicle or vessel in which he has reason to believe that any contravention of the provisions of this Order or of the conditions of any licence issued thereunder has been, is being, or is about to be committed;

(c) take or cause to be taken, extracts from, or copies of any documents showing transactions relating to such contravention which are produced before him;

(d) search, seize and remove stocks of sugar or khandsari and the animals, vehicles, vessels, or other conveyances used in carrying such sugar or khandsari in contravention of the provisions of this Order or of the conditions of the licence issued thereunder and thereafter take or authorise the taking of all measures necessary for securing the production of stocks of sugar or khandsari and the animals, vehicles, vessels or other conveyances so seized, in a court and for their safe custody pending such production.

(2) The provisions of Sections 102 and 103 of the Code of Criminal Procedure, 1898 relating to search and seizure shall, so far as may be, apply to searches and seizures under this clause.

10. *Saving.*—Nothing in this order shall apply to :—

(i) the sale or storage for sale or purchase of sugar or khandsari on Government account,

(ii) the sale by banks of stocks of sugar or khandsari hypothecated to them provided that the sugar or khandsari sold in accordance with the terms and conditions applicable to the hypothecators.

THE SCHEDULE

FORM 'A'

[See clause 4(1)]

The Dadra and Nagar Haveli Sugar and Khandsari Licensing Order, 1965

Application for licence

1. Applicant's name.
2. Applicant's profession
3. Applicant's residence
4. Situation of applicant's place or place of business with particulars as to number of house, moholla, town or village, police station and district
5. How long the applicant has been trading in sugar khandsari.
6. Did the applicant hold a sugar licence or khandsari licence (if separately issued) on any previous occasion? (if so give particulars including its suspension or cancellation if any)
7. Quantities of Sugar/Khandsari handled annually during the last three years (November—October)
8. Income-tax paid in the two years preceding the year of application (to be indicated separately)
 - 1.....
 - 2.....
9. Quantity of sugar or/and khandsari in the possession of the applicant on the date of application and the places at which the different quantities are kept.

I declare that the quantities of sugar or/and khandsari specified above are in my possession this day and are held at the places noted against, them.

I have carefully read the conditions of licence given in Form 'B' appended to the 'Dadra and Nagar Haveli Sugar and Khandsari Dealers' Licensing Order, 1965 and I agree to abide by them.

(a) I have not previously applied for a licence in this territory under this order;

*(b) I apply for such licence in this territory for..... on..... and was/was not granted a licence on.....

*(c) I hereby apply for renewal of licence No. dated issued to me on.....

*(d) I hereby apply for the re-issue of my licence...

Place.....

Date.....

Signature of applicant

* strike off the clauses not applicable.

FORM 'B'

[See clause 5(2)]

The Dadra and Nagar Haveli Sugar and Khandsari Dealers' Licensing Order, 1965

LICENCE FOR PURCHASE, SALE OR STORAGE OF SUGAR/KHANDSARI FOR SALE

Licence No.

1. Subject to the provisions of the Dadra & Nagar Haveli Sugar and Khandsari Licensing Order, 1965, and the terms and conditions of this Licence.....is/are hereby authorised to purchase, sell or store sugar or/and khandsari for sale.

2. The licence shall carry on the aforesaid business at the following place/places :—

3. (i) The licensee shall maintain a register of daily accounts for sugar or/and khandsari showing correctly :—

- (a) the opening stock on each day;
- (b) the quantities received on each day showing the place from where and the source from which received;
- (c) the quantities delivered or otherwise removed on each day showing the places of destination; and
- (d) the closing stock on each day.

(ii) The licensee shall complete his accounts for each day on the day to which they relate, unless prevented by reasonable cause the burden of proving which shall be upon him.

4. The licensee shall submit to the licensing authority concerned, a true return in Form 'C', of the stocks, receipts and deliveries of each quality of the sugar or/and khandsari every fortnight (1st to 15th and 16th of each end of the month), so as to reach him within five days after the close of the fortnight.

5. The licensee shall not contravene the provisions of the Dadra and Nagar Haveli Sugar and Khandsari Dealers' Licensing Order, 1965 or any other order relating to foodstuffs issued under the Essential Commodities Act, 1965 (10 of 1955).

6. The licensee shall not contravene the provisions of any law relating to foodstuffs for the time being in force.

7. The licensee shall not :—

(i) enter into any transaction involving purchases, sale or storage for sale, of sugar or/and khandsari in speculative manner prejudicial to the maintenance and easy availability of supplies of sugar or/and khandsari in the market;

(ii) withhold from sale supplies of sugar or/and khandsari ordinarily kept for sale;

(iii) charge in respect of sales of sugar made by him, a margin of profit at the rate in excess of any maximum rate of margin fixed by the Government; and

(iv) charge in respect of sales of khandsari made by him, a margin of profit at a rate in excess of any maximum rate of margin fixed for wholesale transactions in khandsari by a representative body of khandsari dealers for the locality concerned.

8. The licensee shall issue to every customer a correct receipt or invoice, as the case may be, giving own name, address and licence number, the name, address and the licence number (if any) of the customer, the date of transaction, the quantity of sugar or/and khandsari sold, the price per quintal and the total amount charged and shall keep a duplicate of the same to be available for inspection on demand by the licensing authority or any other officer authorised by him in this behalf.

9. The licensee shall give all facilities at all reasonable times to the licensing authority or any officer authorised by the Collector for the inspection of his stocks and accounts at any shop, godown or other place used by him for the storages, sale or purchase of sugar or/and khandsari and for the taking of samples of sugar or/and khandsari for examination.

10. The licensee shall comply with any direction that may be given to him by the Collector or the licensing authority in regard to purchase, sale and storage for sale, of sugar or/and khandsari and in regard to the language in which the register, returns, receipts or invoices mentioned in paragraphs 3, 4 or 8 shall be written and the authentication and maintenance of the register, mentioned in paragraph 3.

11. This licence shall be attached to any application for renewal.

12. The licence shall be valid up to.....

Place.....

Date.....

Signature of the Officer issuing the licence

FORM 'C'

For use by a dealer

(See condition 4 of Form 'B')

Return of stocks, receipts and sales of sugar or/and khandsari for the fortnight ending.....

Name.....

No. of licence.....

Address.....

Particulars of godowns where stock held and quantity in stock in each quality of sugar or/and khandsari in stock in bags/quintals.

Particulars of Quantity in stock } Remarks if any, godowns. Bags/Quintals.

1. Stock at the beginning the fortnight—

(a) Actually with the licensee.....bags/quintals,

(b) Pledged with any person or institution such as a bank or co-operative society.....bags/quintals.

Total.....bags/quintals.

2. Quantity purchased during the fortnight.

Name of factory Quantity (in bags/Quintals).
from whom purchased.

(i)

(ii)

(iii)

(iv)

Total.....

3. Quantity received out of quantity purchased.

From Quantity Date of purchase
(Name of Factory) (in bags/quintals)

(i)

(ii)

(iii)

(iv)

Total.....

4. Quantity sold :—

(a) Quantity sold/and delivered/removed during the fortnight bags/quintals

(b) Quantity sold but not yet delivered.....
Total sold bags/quintals

5. Stock at the end of the fortnight.

(a) Actually with the licensee

(i) Unsold.....

(ii)Sold but awaiting delivery.
.....

(b) pledged with any other person or institution such as a bank or a co-operative society.....

Total :.....

District.....

Signature.....

To,

The Licensing Authority,.....

Place.....

Date.....

K. R. DAMLE

Administrator

Dadra and Nagar Haveli

Silvassa